IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 330 OF 2006

Sarjerao Rangrao Chougule. ...Applicant
V/s.
The State of Maharashtra. ...Respondent

Mr.S.A. Ingawale for Applicant.
Mr.R.Y. Mirza, APP for the State.

CORAM : V.M. KANADE, J.

DATED : FEBRUARY 8, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. The applicant was arrested in connection with an offence under Section 302 read with Section 34 of the IPC registered by Vadgaon Police Station, Kolhapur.

2. The prosecution case is that the applicant and the complainant and others had a fight in respect of a disputed property which was claimed by the applicant which belonged to them whereas the complainant and others claimed that the said property belonged to them. It appears that after the complainant and others had

entered the said shed and had damaged the property, the present applicant had given a single blow with a sickle to the deceased.

3. It is the contention of the applicant that the complainant and others had initially assaulted the applicant in which assault, he applicant was also injured. The chargesheet has been filed in this case. The deceased died on account of a single injury on his head which was allegedly caused by a sickle. The applicant from the facts of the present case may not be convicted for the offence under Section 302 and that the chargesheet has also been filed in the present case. Under these circumstances, I am of the view that the applicant is entitled to be released on bail.

4. The applicant be released on bail in the sum of Rs.5000/- with one or two sureties in the like amount. The applicant shall report to Vadgaon Police Station, Kolhapur, once in a month and shall not tamper with the evidence or threaten the prosecution witnesses. If any such complaint is received, the respondent may file an

application for cancellation of bail.

. The application is disposed of in the above terms.

(V.M. KANANDE, J.)